

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

1. STATE OF OKLAHOMA, ex rel.)	
W.A. DREW EDMONDSON, in his capacity as)	
ATTORNEY GENERAL OF THE STATE OF)	
OKLAHOMA and OKLAHOMA SECRETARY)	
OF THE ENVIRONMENT C. MILES TOLBERT,)	
in his capacity as the TRUSTEE FOR)	
NATURAL RESOURCES FOR THE)	
STATE OF OKLAHOMA,)	
)	
Plaintiffs,)	
)	
v.)	05-CV-0329 GKF-SAJ
)	
1. TYSON FOODS, INC.,)	
2. TYSON POULTRY, INC.,)	
3. TYSON CHICKEN, INC.,)	
4. COBB-VANTRESS, INC.,)	
5. AVIAGEN, INC.,)	
6. CAL-MAINE FOODS, INC.,)	
7. CAL-MAINE FARMS, INC.,)	
8. CARGILL, INC.,)	
9. CARGILL TURKEY PRODUCTION, LLC,)	
10. GEORGE'S, INC.,)	
11. GEORGE'S FARMS, INC.,)	
12. PETERSON FARMS, INC.,)	
13. SIMMONS FOODS, INC., and)	
14. WILLOW BROOK FOODS, INC.,)	
)	
Defendants.)	
)	

CARGILL DEFENDANTS' MOTION TO CLARIFY

Comes Now the Defendant Cargill, Inc. and Cargill Turkey Production, LLC (the "Cargill Defendants") and respectfully request clarification regarding the date upon which the parties are to exchange exhibits in the above referenced matter on an expedited basis.

This Court entered an Order on February 1, 2008 [Dkt. No. 1502](the “Order”), setting out deadlines for the exchange of expert materials, witness lists and exhibits. There is an apparent inconsistency in the Order with respect to the deadline for exchanging exhibits.

In Paragraph II of the Court’s Order the Court references “copies of exhibits” in paragraphs directed to the exchange of witness lists and deposition designations. The witness information is to be provided by Plaintiffs no later than 5:00 p.m. today (February 11, 2008), with Defendants witness list and deposition designations to follow within 48 hours.

The Court has set a separate deadline of Friday, February 15, 2008, also in Paragraph II, for the exchange of “all exhibits” other than summary or demonstrative exhibits.

Defendant Cargill believes the inclusion of “exhibits” in the paragraphs referring to witness information was a scrivener’s error. However, in an abundance of caution, the Cargill Defendants seek clarification from this Court regarding which of the two dates included in the Order is correct so that they may understand the Court’s intent and comply with its Order.

The Cargill Defendants request that this Court clarify the Order on an expedited basis as Plaintiffs have made their exhibit production today.

The Cargill Defendants have contacted the Plaintiffs and they report that rather than seek clarification, they have complied with the earlier of the two deadlines set out in the Order. We therefore infer that they object to this Motion.

Respectfully submitted,

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**ATTORNEYS FOR CARGILL, INC. AND CARGILL
TURKEY PRODUCTION LLC**

CERTIFICATE OF SERVICE

I certify that on the 11th day of February, 2008, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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